

How a Proposal Becomes a Rule

"To improve the administration of justice the [Judicial Council] shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and the Legislature, adopt rules for court administration, practice and procedure, and perform other functions prescribed by statute. The rules adopted shall not be inconsistent with statute." –Cal. Const., art. VI, § 6.

Rule making by the Judicial Council involves several steps. Rules, forms, and standards of judicial administration are circulated for comment twice a year for adoption effective January 1 and July 1. Generally, the council follows the procedure described below. (Cal. Rules of Court, rule 6.20.)



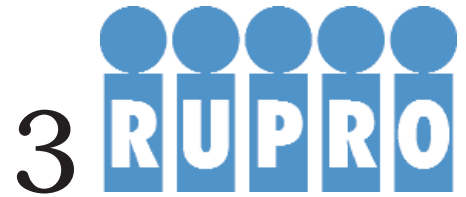
1 Submitting a Proposal: Any person or organization can submit a request for a new or amended Judicial Council rule, form, or standard of judicial administration. It is helpful if the proposal includes: (1) the text of the proposed rule, standard, form, or amendment; (2) a description of the problem to be addressed; (3) the proposed solution and alternative solutions; (4) any likely implementation problems; (5) any need for urgent consideration; (6) known proponents and opponents; and (7) any known fiscal impact.

Mail, fax, or e-mail proposals to: Judicial Council of California, Attention: General Counsel (Rule/Form Proposal), 455 Golden Gate Avenue, San Francisco, CA 94102-3660, fax: 415-865-7664, legal-services@jud.ca.gov.



2 Analyzing the Proposal: An advisory committee (on, e.g., civil, criminal, or family law, or court administrators) analyzes the proposal and may take one of the following actions:

- Recommend to the council's Rules and Projects Committee (RUPRO) that the proposal be circulated for public comment, with or without modification, or that it be adopted without being circulated for comment;
- Request further analysis by the proponent; or
- Reject the proposal.



3 RUPRO Action: RUPRO reviews the advisory committee's recommendation and may take one of the following actions:

- Circulate the proposal for public comment with or without modification;
- Recommend that the council adopt it without circulating it for comment if the proposal presents a nonsubstantial, technical, or noncontroversial change or correction;
- Request further analysis by the advisory committee or the proponent;
- Refer the matter to another council committee, the full council, or the Chief Justice; or
- Reject the proposal if it is contrary to council policy or statute or conflicts with other rules or standards.



4 Comments and Consideration: After the comment period closes, the advisory committee considers the comments and may:

- Recommend adoption of the original proposal;
- Modify the proposal and recommend adoption as modified;
- Hold the proposal in committee for further study and analysis; or
- Reject the proposal based on the comments received.



5 Final Judicial Council Action: The advisory committee recommendation is reviewed by RUPRO. If the advisory committee recommends adoption of a new or revised rule, form, or standard of judicial administration, the matter is placed on the council's agenda. The council may adopt, modify, or reject the proposed rule, form, or standard. If adopted, it will usually become effective the following January 1 or July 1.

Contact

To find recent rule changes, see the California Courts Web site, www.courtinfo.ca.gov/rules. To comment on proposed changes during a comment period, see www.courtinfo.ca.gov/invitationstocomment/ or contact the Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, CA 94102-3660, fax: 415-865-7664.